

## **REMARKS**

Applicants wish to thank the Examiner for the attention accorded to the instant application, and respectfully requests reconsideration of the application in view of the following remarks.

### **Formal Matters**

In this Response, claims 1-9, 22-31, and 38 are pending. Claims 10-21, 32-37, and 39-48 have previously been withdrawn.

### **Rejection of Claims Under 35 U.S.C. §102**

Claims 1-5, 7-8, 22-27, 29-30 and 38 are rejected under 35 U.S.C. §102(e) as anticipated by Finseth et al., U.S. Patent No. 6,813,775 (hereinafter "Finseth"). This rejection should be withdrawn based on the comments and remarks herein.

Among the problems recognized and solved by Applicants' claimed invention is the need for an easy process to automatically record broadcasts which reliably reflect a user's taste, immediately after the user has begun the process, by using criteria clear to the user to determine which programs to automatically record. The present inventive apparatus and method include a broadcast recording apparatus that selects programs that meets a user's taste, and provides, *inter alia*, timer recording pattern information for the selected or recommended programs, enabling easy, automatic recording of these programs. Opinion leaders each offer timer recording pattern information for programs they recommend.

Finseth discloses a method and apparatus for sharing user preferences (column 1, lines 57-58). The disclosed selected viewing preference information consists of attributes associated with the user's channel and television program selections (column 11, lines 14-15). Accordingly, a user selects what type of information to share, such as specific television program information

including attached notes or comments, the entire contents of his respective selection history table, or summary preference information (column 14, lines 42-46). Finseth further discloses using conditional logic to define a television channel, so that the content can be varied from viewer to viewer (column 11, lines 61-62). The user's receiver evaluates the conditional logic and determines whether the conditional channel content can be displayed by the user (column 11, line 67 to column 12, line 5). Thus a television channel of Finseth transmits broadcast programs and conditional logic, and the user's receiver, using this conditional logic instead of specific program recording information, determines whether a program can be viewed.

In contrast, the independent claims currently pending in the present invention (claims 1, 22, 23, and 38) recite "at said server: disclosing timer recording pattern information for recording broadcast programs recommended by at least one opinion leader". Hence, a user of the present invention receives timer recording pattern information whence broadcast programs are recorded at each of the automatic broadcast recording apparatus. As discussed above, the user specific preferences of Finseth include only data about program preferences. Finseth does not disclose or suggest timer recording pattern information, that is, times, channels, etc., indicating when particular programs will be available for recording, and does not provide from the server this timer recording pattern information.

It has been held by the courts that "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Company et al.*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984). As illustrated above, Finseth does not disclose timer recording pattern information from a server, or timer recording pattern information for recording broadcast programs recommended by at least one opinion leader, so that Finseth does not

disclose every feature of the invention as recited in independent claims 1, 22, 23, and 38.

Consequently, these independent claims are not anticipated by the art of record in the application.

Claims 2-5, 7, and 8 depend from claim 1, and claims 24-27, 29, and 30 depend from claim 23, each dependent claim incorporating all of the features and limitations of its base claim. Thus, these dependent claims are not anticipated by the art of record in the application for at least the reasons that their base claims are not anticipated by the art of record in the application.

Accordingly, this rejection should be withdrawn.

#### **Rejection of Claims Under 35 U.S.C. §103**

Claims 6, 9, 28 and 31 are rejected under 35 U.S.C. §103(a) as unpatentable over Finseth as applied to claims 1-5, and further in view of Okada, U.S. Patent No. 7,095,949. This rejection should be withdrawn based on the comments and remarks herein.

As discussed above, Finseth does not teach or suggest timer recording pattern information. Okada does not overcome the deficiency of Finseth, and the Examiner does not state otherwise. Okada teaches a broadcast video image recording apparatus capable of recording video images that have been broadcast in the past (column 2, lines 18-24). Okada does not teach or suggest a server and does not teach or suggest timer recording pattern information at a server. Hence, the hypothetical combination of Finseth and Okada does not teach or suggest each and every feature recited in independent claims 1 and 23 of the present invention.

It has been held by the courts that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. See, *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). As illustrated above, the hypothetical combination of Finseth and Okada does not disclose or suggest timer recording pattern information from a

server, and does not teach or suggest each and every feature of the present invention as recited in independent claims 1, and 23. Thus *prima facie* obviousness has not been established. Claims 6 and 9 depend from claim 1, and claims 28 and 31 depend from claim 23, each dependent claim incorporating all of the features and limitations of its base claim. Thus, these dependent claims are patentably distinguishable over the art of record in the application for at least the reasons that their base claims are patentably distinguishable over the art of record in the application.

Accordingly, this rejection should be withdrawn.

### **Conclusion**

In light of the foregoing, Applicants respectfully submit that all pending claims recite patentable subject matter, and kindly solicit an early and favorable indication of allowability. If the Examiner has any reservation in allowing the claims, and believes a telephone interview would advance prosecution, he is kindly requested to telephone the undersigned at his earliest convenience.

Respectfully Submitted,



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